IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9882 of 2005

Between:

1 J.Gandaiah, s/o. J.Maisaiah,
R/o. 16-2-147/55/A, Anand Nagar Colony,
Malakpet, Hyderabad -36
2 J.Srisailam, S/o.J.Gandaiah,
R/o. 16-2-147/55/A, Anand Nagar Colony,
Malakpet, Hyderabad -36

..... PETITIONERS

AND

1 The District Collector,
Ranga Reddy District, Lakdikapool,
Hyderabad.
2 The Assistnat Director, Survey and Land Records,
Ranga Reddy District, Lakdikapool,
Hyderabad.
3 Deputy Inspector of Survey and Land Records
Ranga Reddy District (East Division) Lakdikapool,
Hyderabad.
4 M.Narsinga Rao,
R/o. Moosapet Village, Balanagar Mandal,
Ranga Reddy District,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus in declaring the notice issued by the 3rd respondent authority in proceedings No.A3/219/2005 dt.15.4.2005 seeking to conduct survey of the lands in Sy.No. 37,38 and 39 and fix boundaries as arbitrary, illegal and violative of principles of Natural justice, specifically in view of the fact that a civil Suit No.516/2000 is pending on the file of Principal Junior Civil Judge, Ranga Reddy District and any survey would seriously prejudice the rights of the parties and hence

the notice in proceedings No.A3/219/2005 dt.15.4.2005 issued by the 3rd Respondent authority may be set aside.

Counsel for the Petitioners:MR.HARENDER PRASAD

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court, at the stage of admission, made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9882 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the notice dated 15-04-2005 issued by the third respondent – Deputy Inspector of Survey and Land Records informing the petitioners that the demarcation of Sy.Nos.37, 38 & 39 situated at Kothapet, Uppal Mandal, Ranga Reddy District will be conducted on 28-4-2005 and therefore calling upon the petitioners to be present on the said date without fail as arbitrary and illegal.

The petitioners, who claim to be the absolute owners of the land to an extent of Ac.2-14 guntas situated in Sy.No.39/AA, contend that the proposed survey under the impugned notice is unwarranted and cannot be allowed to be taken up since a civil suit is pending in the Court of the Principal Junior Civil Judge (W & S), Ranga Reddy District with regard to the land in their possession in which an advocate-commissioner was appointed, who, in pursuance of the orders of the Civil Court, has already surveyed the said land and fixed the boundaries. According to the petitioners, since the matter is *sub judice* and an order of temporary injunction is also operating, the action proposed under the impugned notice would adversely affect their rights. Hence, this writ petition.

Having heard the learned Counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents 1 to 3, I do not see any

justifiable reason to entertain this writ petition. It is always open to the petitioners to raise the objections, including the contentions raised in this writ petition, before the respondents 1 to 3 opposing the proposed survey, in which event, the respondents 1 to 3 will consider the same in accordance with law before taking up the survey.

With the above observations, the Writ Petition is disposed of. No costs.

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27th April, 2005.

Note:- CC in a week.

(B/O)

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To

1 The District Collector,
Ranga Reddy District, Lakdikapool,
Hyderabad.
2 The Assistnat Director, Survey and Land Records,
Ranga Reddy District, Lakdikapool,
Hyderabad.
3 Deputy Inspector of Survey and Land Records
Ranga Reddy District (East Division) Lakdikapool,
Hyderabad.
4 Two C.Cs to the G.P., for Revenue,. High Court Buildings, Hyderabad (OUT).

5 2 CD copies.